

CITY OF DUNWOODY
January 3, 2013
ZONING BOARD OF APPEALS MINUTES

The Zoning Board of Appeals of the City of Dunwoody held a Meeting on January 3, 2013 at 7:00 PM. The meeting was held in the City of Dunwoody City Hall, 41 Perimeter Center East, Dunwoody, Georgia 30346. Present for the meeting were the following:

Voting Members: Gerri Penn, Chairman
 Ardy Bastien, Vice Chairman
 Ed Godshall, Board Member
 Susan Mitchell, Board Member
 Richard Otness, Board Member
 Joe Tuttle, Board Member

Also Present: Howard Koontz, City Planner
 Rebecca Keefer, Planning Coordinator
 Lenny Felgin, Legal Counsel
 Scott Robichaux, Legal Counsel

A. CALL TO ORDER

B. ROLL CALL

All members were present except Bill McCahan.

C. MINUTES

1. Approval of November 1, 2012 Zoning Board of Appeals Meeting Minutes.

Ed Godshall motioned to approve. Joe Tuttle seconded.

The motion was voted and passed (6 - 0).

D. ORGANIZATIONAL AND PROCEDURAL ITEMS

1. Zoning Code Rewrite Update.

Howard updated the Board of the Code Rewrite process and upcoming public meetings.

2. Nomination and Voting for Chairman/Vice Chairman for 2013 Calendar Year.

Susan Mitchell motioned to approve Gerri Penn as a Chairman and Ardy Bastien as Vice Chairman. Richard Otness seconded.

Joe Tuttle motioned to amend the original motion to nominate the Chairman and Vice Chairman for a 2 year term. Richard Otness seconded.

The motion was voted and passed (6 - 0).

The motion was voted and passed (6 - 0).

E. UNFINISHED BUSINESS

F. NEW BUSINESS

1. [ZBA 12-012: Charles P. Stephens, applicant on behalf of the owner, Stephen's Warehouse, Inc, owner of 1725 Mount Vernon Road, Dunwoody, GA, 30338, seeks the following: Variance from Chapter 27 to permit an addition to vary from the build-to line. The tax parcel number is 18 366 05 062.](#)

Howard introduced the item and recommended approval the request with a series of conditions:

- Condition the approval to the site plan submitted with the original submittal November 2, 2011 and reactivated October 12, 2012.
- A pedestrian connection, if feasible as determined by staff, from Mount Vernon to the site in a suitable location.
- Street Furniture at the location of the pedestrian connection – i.e.: a bench. If after review, a pedestrian connection is not feasible, a bench along Mount Vernon shall still be required in a location determined by staff

Gerri opened the Public Hearing.

Bill Grant, representative on behalf of the owner, spoke in favor of the application.

No one was present to speak in opposition.

Gerri closed the Public Hearing.

The Board made comments and asked questions of staff.

Ardy Bastien motioned to approve with staff's conditions. Joe Tuttle seconded.

The motion was voted and passed (6 - 0).

2. [ZBA 13-011: Kamalkumar Trivedi, owner of 2801 Fontainebleau Drive, Dunwoody GA, 30360, seeks the following: Variance from Chapter 27, Section 27-186 to reduce the side yard setback for an accessory structure. The tax parcel number is 06 307 09 027.](#)

Howard introduced the item and recommended approval of the application, subject to the conditions in the staff report:

- Construction must be in substantial compliance with the site plan and submittal materials accepted by the Community Development Department on December 20, 2012.
- Approval of this request is not a blanket approval for a reduction of required

side yard, and only applies to the project in question and the necessary encroachments for its successful completion

Gerri opened the Public Hearing.

Kamalkumar Trivedi, owner and applicant, spoke in favor of the application.

Joseph Clements, two doors down, spoke in opposition to the application.

Gerri closed the Public Hearing.

The Board asked questions of staff and the applicant.

Susan Mitchell motioned to defer to February meeting pending additional information. Ed Godshall seconded.

The motion was voted and passed (6 - 0).

3. [ZBA 13-012: Edward O'Reilly, owner of 5260 Mount Vernon Way, Dunwoody GA, 30338, seeks the following: Variance from Chapter 27, Section 27-186 to reduce the side yard setback for an addition. The tax parcel number is 18 375 01 027.](#)

Howard introduced the item and recommended denial of the application.

Gerri opened the Public Hearing.

Edward O'Reilly spoke in favor of the application.

Eric Gray, a next door neighbor, spoke in favor of the application.

There was no one to speak in opposition.

Gerri closed the Public Hearing.

The Board asked questions of staff and the applicant.

Richard Otness motioned to approve with the staff's conditions. Ed Godshall seconded.

The motion was voted and failed (3 - 3), Susan Michell, Ardy Bastien, and Gerri Penn dissenting.

Ardy Bastien motioned to deny. Susan Mitchell seconded.

The motion was voted and failed (3 - 3), Ed Godshall, Joe Tuttle, and Rick Otness dissenting.

Ardy Bastien motioned to defer until the February meeting. Joe Tuttle seconded.

The motion was voted and passed (6 - 0).

4. [ZBA 13-013: Edward Walsh, owner of 1827 Club Forest Court, Dunwoody GA, 30338, seeks the following: Variance from Chapter 27, Section 27-186 to reduce the rear yard setback for an addition. The tax parcel number is 18 381 01 029.](#)

Howard introduced the item and recommended denial of the application.

Gerri opened the Public Hearing.

Ed Miller, applicant on behalf of the owner, spoke in favor of the application.

There was no one to speak in opposition.

Gerri closed the Public Hearing.

The Board asked questions of the applicant and staff.

Ed Godshall motioned to approve with the conditions recommended by staff:

- Construction must be in substantial compliance with the site plan and submittal materials accepted by the Community Development Department on October 26, 2012.
- Approval of this request is not a blanket approval for a reduction of required rear yard, and only applies to the project in question and the necessary encroachments for its successful completion

Susan Mitchell seconded.

The motion was voted and passed (6 - 0).

5. [ZBA 13-014: Courtney Fielding, owner of 1166 Hidden Ridge Lane, Dunwoody GA, 30338, seeks the following: Variance from Chapter 16 Section 16-254 to encroach stream buffer for an addition. The tax parcel number is 18 365 06 041.](#)

Howard introduced the application and recommended denial.

Gerri opened the Public Hearing.

Chris Fielding, owner, spoke in favor of the application.

There was no one to speak in opposition to the application.

Gerri closed the Public Hearing.

The Board asked questions of staff and the applicant.

Susan Mitchell motioned to approve with the condition that the applicant works with staff to implement BMPs. Ed Godshall seconded.

The motion was voted and passed (6 - 0).

G. [OTHER BUSINESS](#)

Gerri discussed several issues with the Board.

Howard announced to the Board that he would be working for the City of Brookhaven.

H. [PUBLIC COMMENT](#)

Vasav Mehta asked questions of the Board and made suggestions.

I. [BOARD COMMENT](#)

Gerri thanked Susan Mitchell for her service.

J. [ADJOURN](#)

Approved by:

Chairman

Attest:

Secretary